

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

KENNETH DEAN SAMPLES
JENNIE KAY SAMPLES

CASE NO: 05-71139-HDH-13

HEARING DATE: 12/16/2009

HEARING TIME: 11:00 AM

TRUSTEE'S MOTION TO DISMISS

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2007-02 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$616.00 per month beginning 11/28/2005. The total amount paid to the Trustee is \$28,036.00 and the total amount in arrears is \$1,532.00 through October 2009.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee
PO Box 94210
Lubbock, TX 79424**

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

A HEARING WILL BE HELD 12/16/2009 AT 11:00 AM AT THE FOLLOWING ADDRESS:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

KENNETH DEAN SAMPLES & JENNIE KAY SAMPLES 2811 MCGAHA WICHITA FALLS TX 76308

MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301

WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242

Date: 11/3/2009

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee